


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 1849 East 29 <sup>th</sup> Street (2890 Hillen Road)		

TO

Mr. David Tanner, Executive Director  
Board of Municipal and Zoning Appeals  
417 East Fayette Street, 14<sup>th</sup> Floor

DATE:

April 29, 2015

**REQUEST**

The Department of Planning has received Darnell Collins' Board of Municipal and Zoning Appeals (BMZA) application to continue to use the portion of the premises known as 2890 Hillen Road as a beauty shop. The Zoning Administrator has determined that this is a prohibited use in a R-6 Zoning District. We understand that this appeal is scheduled for hearing on May 5, 2015.

**SITE**

1849 East 29<sup>th</sup> Street is located 13' from the southwest corner of the intersection with Hillen Road. This triangular property measures approximately 99'8" along Hillen Road and 88'8" along its lot line with 1847 East 29<sup>th</sup> Street, and is currently improved with a three-story semi-detached building covering approximately 95% of the lot. This site is zoned R-6 and is located within the Coldstream – Homestead – Montebello Urban Renewal Plan area and the Coldstream – Homestead – Montebello National Register Historic District.

**ANALYSIS**

Use: In this zoning district, beauty shops are not listed as a permitted or conditional use, and so are not allowed (§4-901 to §4-904). In this case, the property was last authorized for use as a beauty shop, which is a nonconforming use in this R-6 General Residence District, but some records indicate that this use was abandoned in 2006.

Urban Renewal Plan: This property is located in the Coldstream – Homestead – Montebello Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict this use as a continuing nonconforming use.

Determination of nonconformity or noncompliance: (a) Whether a nonconforming use, noncomplying density or other form of nonconformity exists is a question of fact that, except as specified in subsection (b) of this section, must be decided by the Board after public notice and hearing in accordance with the rules of the Board (§13-107). The application states that the "family want to restore business" on the premises but does not indicate how long that business has not been operated there.

Discontinuance of Use: Whenever the active and continuous operation of any Class III nonconforming use, or any part of that use, has been discontinued for 12 consecutive months: (i) the discontinuance constitutes an abandonment of the discontinued nonconforming use, or discontinued part of that use... (§13-407.a.1). The applicant would need to provide the Board information about recent use of the premises.

Mr. David Tanner, BMZA

Executive Director

Page 2

Re: 1849 East 29<sup>th</sup> Street (2890 Hillen Road)

TransForm Baltimore: This property would remain part of the R-6 District (Proposed Zoning Map Area 7-B) in which Neighborhood Commercial Establishments would be conditional uses (Table 9-301). "Neighborhood commercial establishment" means "a commercial use that is within a residential neighborhood, but in a structure that is non-residential in its construction and original use" (§1-310 (I)).

#### **RECOMMENDATION**

The Department of Planning recommends disapproval of this appeal unless the applicant demonstrates to the Board that nonconforming use of the premises has not been discontinued or abandoned. Should the applicant provide evidence of continuing nonconforming use, the Department would have no objection to this application.

TJS/wya/mf

cc: Darnell Collins, Appellant